
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

HOLLIE CLARK,

Plaintiff,

versus

WRIGHT BUICK PONTIAC GMC
d/b/a PAKT, LTD.,

Defendant.

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CASE NO. 9:11-CV-12


**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that Defendant's Motion to Dismiss, construed as a Motion for Summary Judgment, should be denied as premature, subject to reconsideration after Plaintiff has had a reasonable opportunity to present evidence in response to the motion.

No written objections have been filed. The Court therefore adopts the findings and conclusions of the Magistrate Judge as those of the Court. It is accordingly

ORDERED that Defendant's Motion to Dismiss, construed as a Motion for Summary Judgment, is **DENIED** as premature, subject to reconsideration after Plaintiff has had a reasonable opportunity to present evidence in response to the motion.

SIGNED at Beaumont, Texas, this 27th day of June, 2011.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE